

# **PUBLIC NOTICE**

Issue Date: February 15, 2008 Comment Deadline: March 17, 2008 Corps Action ID #: SAW-2008-00373

The Wilmington District, Corps of Engineers (Corps) has received an application from the Town of Cary, Engineering Department seeking Department of the Army authorization for permanent impacts to 0.72 acre of jurisdictional forested wetlands, and 3,412 linear feet of perennial stream channel exhibiting important aquatic functions. The impacts listed above are associated with the extension of Morrisville Parkway between North Carolina Highway 55 (NC 55) and Green Level Church Road near Cary, Wake County, North Carolina. This extension is identified as Phase III of Morrisville Parkway and includes a proposed interchange with the future Western Wake Freeway (I-540).

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant:

Town of Cary, Engineering Department

Attn: Mr. Russ Overton Post Office Box 8005

Cary, North Carolina 27512-8005

AGENT (if applicable):

**URS** Corporation

Attn: Mr. Charles E. Benton

1600 Perimeter Park Drive, Suite 400

Morrisville, NC 27560-8421

# **Authority**

The Corps will evaluate this application and a decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act.

#### Location

The proposed project location is between NC 55 westward for a distance of approximately 3 miles to a terminus with SR 1625, Green Level to Durham Road at SR 1600, Green Level Church Road near Cary, Wake County, North Carolina. Coordinates, in decimal degrees, for the end points of the construction areas are 35.813720° N,

78.872747° W, and 35.802659 ° N, 78.909490 ° W. The project site contains several wetlands and unnamed streams channels which drain to Panther Creek in the Haw watershed of the Cape Fear River Basin (8-Digit Cataloging Unit of 03030002).

# **Existing Site Conditions**

The proposed project would extend Morrisville Parkway, which currently terminates on the east side of NC 55, and create a roadway linking NC 55 to Green Level to Durham Road. Overall, the project study area is bordered to the east by NC 55, to the west by Green Level Church Road, to the north by undeveloped forest land and residential properties, and to the south by Green Hope School Road. The existing conditions within this project segment include upland hardwood/pine forest, several wetlands, and several unnamed streams draining to Panther Creek in the Cape Fear River Basin.

The upland forest is dominated by loblolly pine (*Pinus taeda*), white oak (*Quercus alba*), and tulip poplar (*Liriodendron tulipifera*). Flowering dogwood (*Cornus florida*), arrowwood (*Viburnum dentatum*), and saplings of red maple (*Acer rubrum*) dominate the understory. Typical wetland vegetation is dominated by sweetgum (*Liquidambar styriciflua*), red maple, and slippery elm (*Ulmus rubra*) within the canopy. Blueberry (*Vaccinium corymbosum*), sedge (*Carex sp.*), and soft rush (*Juncus effusus*) are common in the understory and herbaceous layer. A Corps jurisdictional determination has verified the waters of the U.S. on the study property.

# **Applicant's Stated Purpose**

The project purpose for the proposed activity is to extend Morrisville Parkway from NC 55 to Green Level to Durham Road near Cary, Wake County, North Carolina.

# **Project Description**

Portions of Morrisville Parkway have previously been constructed. This proposal is to extend the existing portion of roadway, currently terminating at NC 55, to Green Level to Durham Road at Green Level Church Road. The ultimate design would be similar to the existing sections of Morrisville Parkway which includes a 105-foot wide, 4-lane median divided roadway, including 5-foot wide sidewalks and 5-foot wide utility strips to be situated on both sides of the roadway. Included within this proposal is an interchange with the future Western Wake Freeway (I-540). Fill slopes are proposed at a 2:1 ratio. Total permanent impacts from this proposal are 0.72 acre of jurisdictional forested wetlands, and 3,412 linear feet of perennial stream channel exhibiting important aquatic functions.

This permit proposal will be evaluated on the dimensions and aquatic impacts stated above. However, construction of the proposed roadway would take place in three distinct stages. Stage 1A is proposed for the section between Green Level Church Road and the future Western Wake Freeway (I-540). The proposed design is an approximately 2,500-foot long, 40-foot wide, 2-line paved road, with an associated 10-foot wide concrete

greenway trail. To accommodate the roadway alignment, two culverted stream crossings are proposed. Final designs have been utilized for this stage.

Stage 1B is an approximately 12,500-foot long, 40-foot wide, 2-lane road, with an associated 12-foot wide concrete sidewalk, and would be constructed from NC 55 to the Stage 1A terminus. To accommodate the roadway alignment, four culverted stream crossings and one wetland crossing is proposed. Currently, only preliminary designs are available for this stage.

Stage 2 is proposed when current/eminent traffic forecasts support the widening of the 2-lane road to a 4-lane road from NC 55 to Green Level to Durham Road. At this time, the interchange with I-540 would be completed. Impacts assessed for this stage include all culvert extensions required for the typical roadway widening and interchange construction project. Designs are only preliminary for this stage

The Town of Cary is utilizing this long-range planning approach for a fair evaluation on the corridor and expected impacts of this roadway, rather than waiting and allowing future development to limit the overall flexibility required for impact avoidance and/or minimization. If permitted, Stage 1A would be constructed using the final designs depicted within this Public Notice. The other 2 phases would be permitted on the impacts stated above, realizing that these are worse-case scenarios. Final designs for each stage would be provided to the Corps for a permit modification prior to construction. At the time of permit modification, additional avoidance or minimization would be evaluated for items such as bridging, fill slopes, etc. It is expected that impact amounts would go down during the time of permit modification.

To mitigate for permanent impacts to jurisdictional wetlands and streams, the applicant has proposed payment into the North Carolina Ecosystem Enhancement Program (NCEEP). This payment would be prior to the time of impact for each respective stage.

# **Other Required Authorizations**

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State Certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in

writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by March 7, 2008.

#### **Essential Fish Habitat**

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

#### **Cultural Resources**

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

# **Endangered Species**

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

#### **Evaluation**

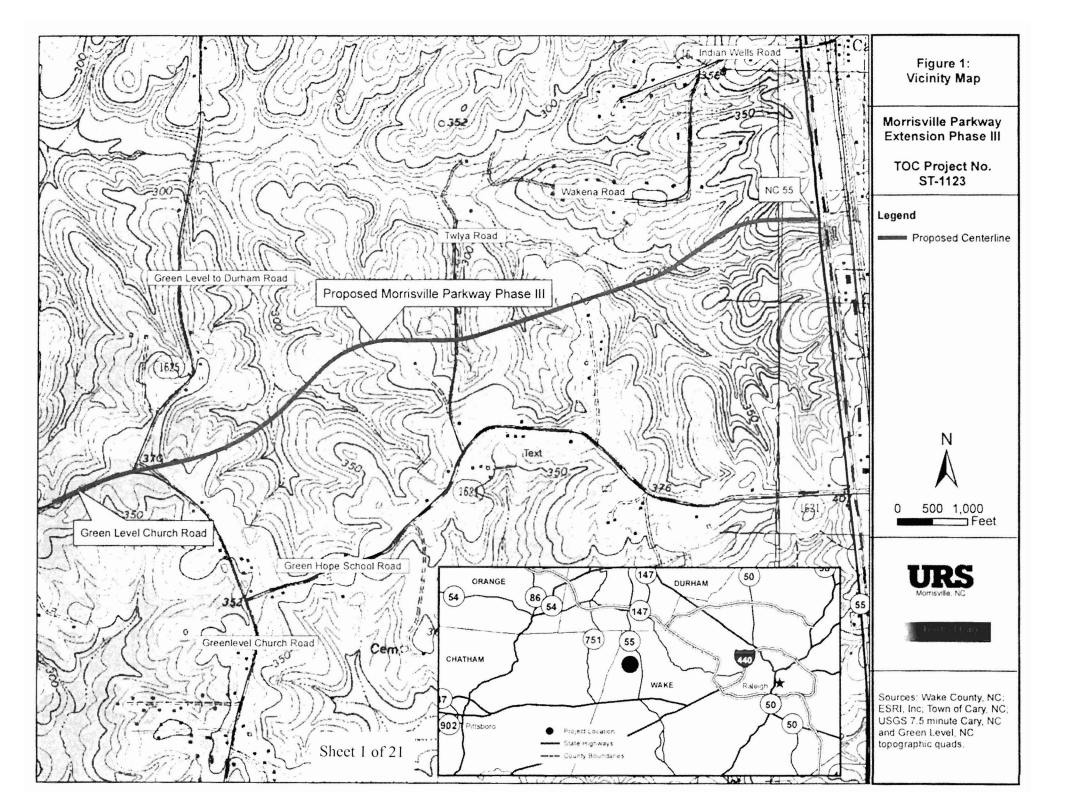
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

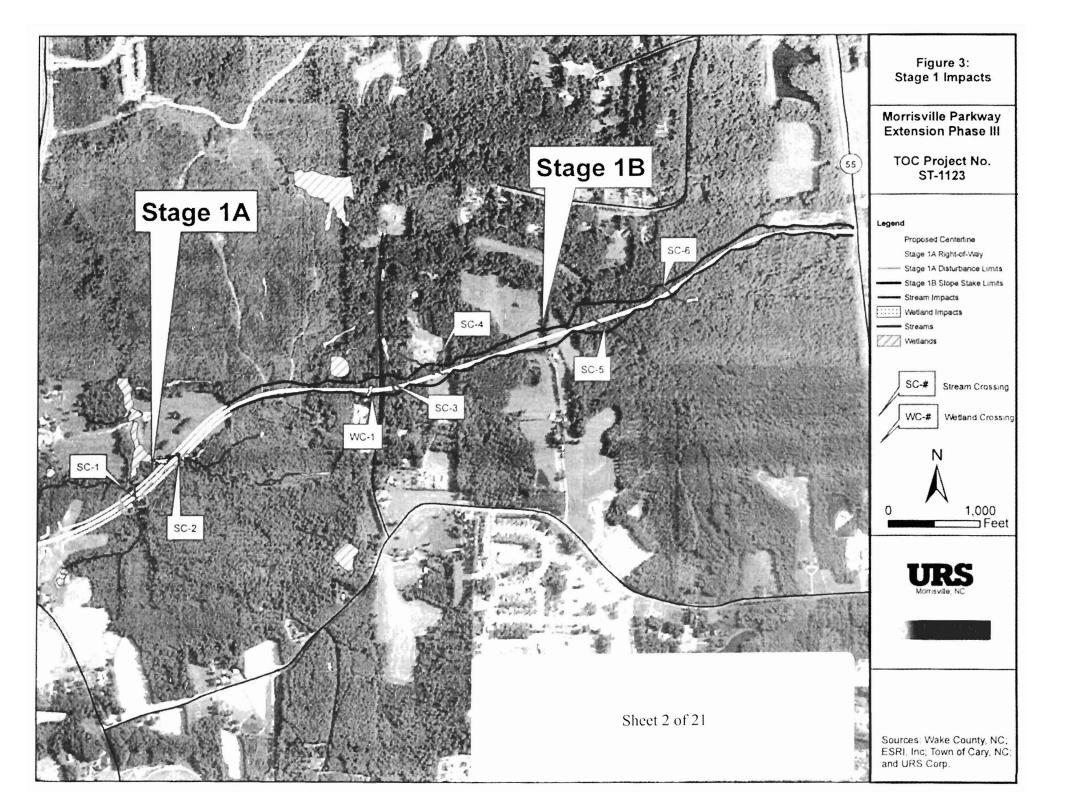
# **Commenting Information**

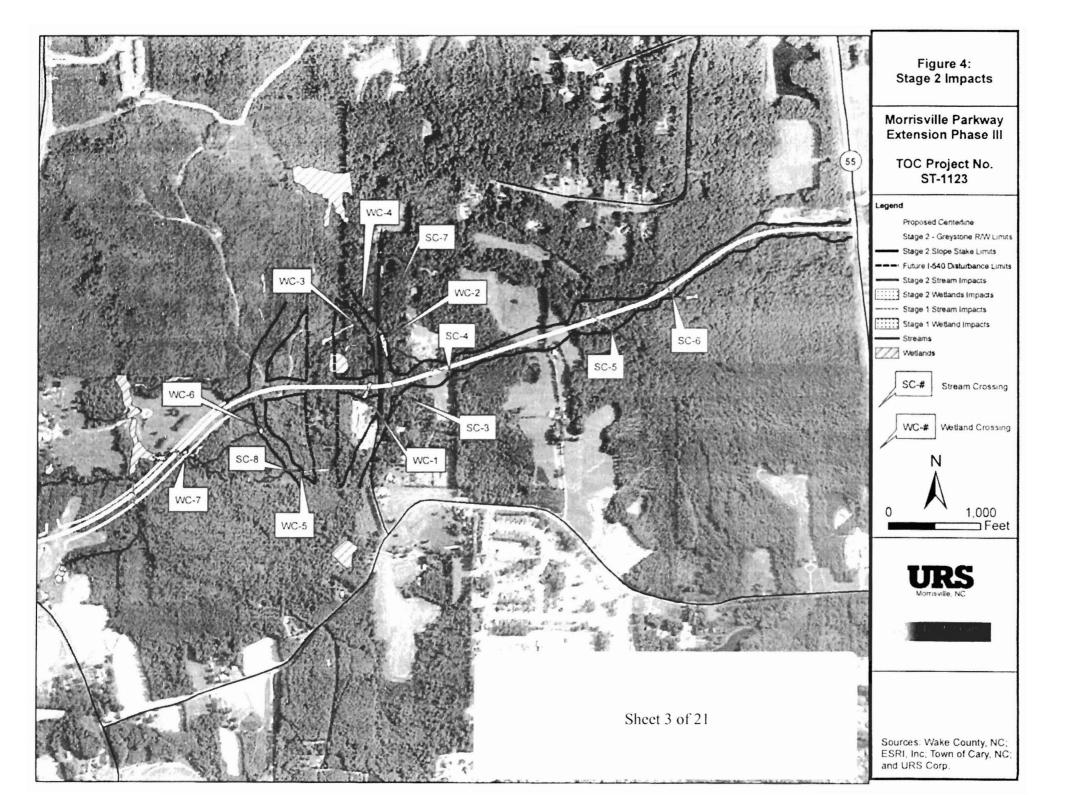
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, March 17, 2008. Comments should be submitted to Monte Matthews, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587.







STAGE 1A - (GREYSTONE SUBDIVISION AREA) WETLAND AND STREAM IMPACTS

Figure No.	Impact No.**	Permanent Impact Type	linear feet**	square feet**
SC-1	1A	Perennial Stream	365	1,135
	1B	Section 404 Forested Wetland	N/A	91
	1C	Section 404 Forested Wetland	N/A	153
SC-2	2A	Perennial Stream	366	1,274
	2B	Section 404 Forested Wetland		2,617
	2C	Section 404 Forested Wetland		4,538
		Total	731	9,808

<sup>\*\*</sup> Based on final design (see Appendix B for plan drawings).

 $STAGE\ 1B-2\text{-}LANE\ ROADWAY:\ NC\text{-}55\ TO\ GREYSTONE\ SUBDIVISON\ WETLAND\ AND\ STREAM\ IMPACTS$ 

Figure No.	Permanent Impact Type	linear feet*	square feet*	
SC-3	Perennial Stream	241	2,410	
SC-4	Perennial Stream	361	3,610	
SC-5	Perennial Stream	495	4,950	
SC-6	Perennial Stream	200	2,000	
WC-1	Section 404 Forested Wetland	N/A	4,356	
	Total	1297	17,326	

<sup>\*</sup> Estimate based on preliminary design.

STAGE 2 – 4-LANE ROADWAY: NC-55 TO GREEN LEVEL CHURCH ROAD WETLAND AND STREAM IMPACTS

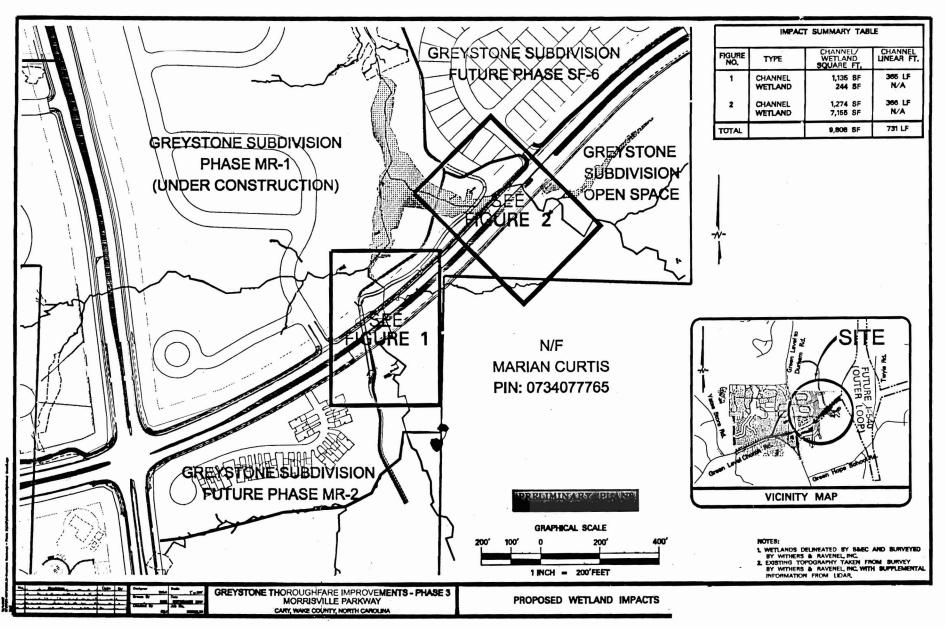
Figure No.	Permanent Impact Type	linear feet***	square feet***
SC-1	Perennial Stream	0	0
SC-2	Perennial Stream	0	0
SC-3	Perennial Stream	546	5,460
SC-4	Perennial Stream	84	840
SC-5	Perennial Stream	50	500
SC-6	Perennial Stream	60	600
SC-7	Perennial Stream	508	508
SC-8	Perennial Stream	136	136
WC-1	Section 404 Forested Wetland	N/A	2,178
WC-2	Section 404 Forested Wetland	N/A	9,583
WC-3	Section 404 Forested Wetland	N/A	1,307
WC-4	Section 404 Forested Wetland	N/A	871
WC-5	Section 404 Forested Wetland	N/A	871
WC-6	Section 404 Forested Wetland	N/A	2,614
WC-7	Section 404 Forested Wetland	N/A	2,000
	Tota	1,384	27,468

<sup>\*\*\*</sup> Estimate based on preliminary design for the Stage 2 additional impacts.

# SUMMARY OF OVERALL WETLAND AND STREAM IMPACTS (ALL STAGES)

		Project Stage			
		Stage 1A	Stage 1B	Stage 2	
		Greystone Subdivision	2-Lane Road (NC 55 to Greystone Subdivision)*	4-Lane Road (NC 55 to Green Level Chruch Road)*	Total*.
Permanent Impacts	Section 404 Forested Wetlands (acre)	0.17	0.10	0.45	0.72
	Perennial Streams (linear feet)	731	1,297	1,384	3,412
Temporary Impacts	Section 404 Forested Wetlands (acre)	0.00	To be determined (TBD)	TBD	TBD
	Perennial Streams (linear feet)	0	TBD	TBD	TBD

<sup>\*</sup> Estimate based on preliminary design.



Stage 1A - Final Design Drawings

